

The Honorable Robert J. Bryan

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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT TACOMA**

10 UGOCHUKWU GOODLUCK NWAUZOR,
11 FERNANDO AGUIRRE-URBINA,
12 individually and on behalf of all those
13 similarly situated,

14 Plaintiffs/Counter-Defendants,

15 v.

16 THE GEO GROUP, INC.,

17 Defendant/Counter-Claimant.

18 Case No. 3:17-cv-05769-RJB

19 **DECLARATION OF COLIN L. BARNACLE**
20 **IN SUPPORT OF DEFENDANT THE GEO**
21 **GROUP, INC.'S MOTION FOR SUMMARY**
22 **JUDGMENT**

23 I, Colin L. Barnacle, make the following statement under oath subject to the penalty of
24 perjury pursuant to the laws of the United States and the State of Washington:

25 1. I am the attorney for The GEO Group, Inc. in the above-captioned matter. I am
26 over the age of eighteen (18), and I am competent to testify in this matter.

27 2. Attached are true and correct copies of the following exhibits:

28 **EXHIBIT A:** Attached as Exhibit A is the 2015 agreement for GEO's Operation of the
29 Northwest Ice Processing Center ("NWIPC"), contract HSCECDM-15-D-00015 ("2015 ICE
30 Contract"). This document was previously submitted in connection with the declaration of
31 Amber Martin in the State of Washington v. The GEO Group, Case No. 17-cv-05806, ECF 246-
32 3 (July 2, 2019). As noted in the caption of the document, this contract was also submitted for
33 the above-captioned case. Under the terms of the Protective Order, Exhibit A is filed under seal.

1 **EXHIBIT B:** Attached as Exhibit B are excerpts from the deposition of Plaintiff
2 Ugochukwu Nwauzor taken by GEO on June 19, 2018.

3 **EXHIBIT C:** Attached as Exhibit C is the Declaration of Tae Johnson, Assistant
4 Director, Custody Management Division, Enforcement and Removal Operations, U.S.
5 Immigration and Customs Enforcement, U.S. Department of Homeland Security. This
6 declaration was previously submitted in *State of Washington v. The GEO Group*, Case No. 17-
7 cv-05806, ECF 91 (August 3, 2018).

8 **EXHIBIT D:** Attached as Exhibit D is a Detainee Handbook from the NWIPC,
9 previously produced in this litigation at bates numbers GEO-Nwauzor 015062-GEO-Nwauzor
10 015101.

11 **EXHIBIT E:** Attached as Exhibit E is the 2009 agreement for GEO's Operation of the
12 NWIPC, contract HSCECDM-10-D-00001 ("2009 ICE Contract"). This document was previously
13 submitted in connection with the declaration of Amber Martin in the *State of Washington v. The*
14 *GEO Group*, Case No. 17-cv-05806, ECF 246-2 (July 2, 2019). As noted in the caption of the
15 document, this contract was also submitted for the above-captioned case. In lieu of filing this
16 document under seal, GEO submits a redacted version that was previously filed at Docket
17 Number 246-4 in the State of Washington case.

18 **EXHIBIT F:** Attached as Exhibit B are excerpts from the deposition of Erwin Delacruz
19 taken by Plaintiffs on December 2, 2019.

20 **EXHIBIT G:** Attached as Exhibit G are excerpts from the 30(b)(6) Deposition of the
21 State of Washington, witness Byron Eagle from the Special Commitment Center, taken by GEO
22 on December 5, 2019.

23 **EXHIBIT H:** Attached as Exhibit H is the Declaration of Julie Williams. This
24 declaration was previously submitted in *State of Washington v. The GEO Group*, Case No. 17-
25 cv-05806, ECF 304 (September 13, 2019).

1 **EXHIBIT I:** Attached as Exhibit I is “Responses to Inmate Worker Questions,”
2 previously submitted in *State of Washington v. The GEO Group*, Case No. 17-cv-05806, ECF
3 300 (September 10, 2019).

4 **EXHIBIT J:** Attached as Exhibit J are excerpts from the deposition of Sean Murphy,
5 taken by GEO on December 19, Exhibit J2019.

6 **EXHIBIT K:** Attached as Exhibit G are excerpts from the 30(b)(6) Deposition of the
7 State of Washington, witness Debra Jean Eisen from Department of Corrections, taken by GEO
8 on December 13, 2019.

9 **EXHIBIT L:** Attached as Exhibit L is GEO’s contract with the State of Washington.
10 This document was previously submitted in *State of Washington v. The GEO Group*, Case No.
11 17-cv-05806, ECF 107-7 (July 2, 2019).

12 **EXHIBIT M:** Attached as Exhibit M is the Year End Report for the Northwest Detention
13 Center. Under the terms of the Protective Order, Exhibit M is filed under seal.

14 Dated this 2nd day of January, 2020 at Denver, Colorado.

15 Akerman, LLP

16 s/ Colin L. Barnacle
17 Colin L. Barnacle, (Admitted *pro hac vice*)
Attorney for Defendant The GEO Group, Inc.

1 **PROOF OF SERVICE**

2 I hereby certify on the 2nd day of January 2020, pursuant to Federal Rule of Civil
3 Procedure 5(b), I electronically filed and served the foregoing **DECLARATION OF COLIN L.**
4 **BARNACLE IN SUPPORT OF DEFENDANT THE GEO GROUP, INC.'S MOTION**
5 **FOR SUMMARY JUDGMENT** via the Court's CM/ECF system on the following:

6 **SCHROETER GOLDMARK & BENDER**

7 Adam J. Berger, WSBA #20714
Lindsay L. Halm, WSBA #37141
Jamal N. Whitehead, WSBA #39818
Rebecca J. Roe, WSBA #7560
810 Third Avenue, Suite 500
Seattle, Washington 98104
Telephone: (206) 622-8000
Facsimile: (206) 682-2305
Email: hberger@sgb-law.com
Email: halm@sgb-law.com
Email: whitehead@sgb-law.com
Email: roe@sgb-law.com

13 **THE LAW OFFICE OF R. ANDREW FREE**

14 Andrew Free (Admitted *Pro Hac Vice*)
P.O. Box 90568
Nashville, Tennessee 37209
15 Telephone: (844) 321-3221
Facsimile: (615) 829-8959
16 Email: andrew@immigrantcivilrights.com

17 **OPEN SKY LAW PLLC**

18 Devin T. Theriot-Orr, WSBA #33995
20415 72nd Avenue S, Suite 100
Kent, Washington 98032
19 Telephone: (206) 962-5052
Facsimile: (206) 681-9663
20 Email: devin@openskylaw.com

21 **MENTER IMMIGRATION LAW, PLLC**

22 Meena Menter, WSBA #31870
8201 164th Avenue NE, Suite 200
Redmond, Washington 98052
23 Telephone: (206) 419-7332
Email: meena@meenamenter.com

24 *Attorneys for Plaintiffs*

26 *s/ Nick Mangels*
Nick Mangels